

8 February 2022,

Mark Kujala, District 1 Commissioner and Board of County Commissioners Chair

John Toyooka, District 2 Commissioner

Pamela Wev, District 3 Commissioner

Courtney Bangs, District 4 Commissioner

Lianne Thompson, District 5 Commissioner and Board Vice Chair

Clatsop County

800 Exchange Street

Suite 410

Astoria, OR 97103

Testimony for Clatsop County Public Hearing on Proposed Ordinance 22-01 on 9 Feb 2022

Dear Commissioners Kujala, Toyooka, Wev, Bangs, Thompson:

Greetings! We hope you all are well. Thank you for another opportunity to express our concerns regarding Short-term Rentals (STRs) although we feel that throughout this entire “dialogue,” our correspondence and oral comments have fallen on deaf ears. As residents of the Coastal Residential Zone of Cove Beach in Clatsop County, we find it unacceptable that the County’s elected officials can display such disregard for their constituents.

We read in Ordinance 22-01, Chapter 5.24 Short-Term Rentals (AC-RCR and CR Zones): “The purpose of this section is to regulate short-term rentals **to enhance livability and safety** in the Arch Cape and Coastal Residential zone neighborhoods.”

After reading the proposed Ordinance 22-01, we acknowledge that some of the amended operating standards do address real issues that have been raised in the formal STR discussions over the last year. However, for the Coastal Residential Zone of Cove Beach, the amended operating standards seem like using band-aids to dress an amputation, when a refocus on the single most critical issue – as we’ve said all throughout this process – is that the County’s permitting STRs – as commercial endeavors – is unlawful in the CR Zone, which your code describes as “intended to encourage residential and **very limited** recreation development.” And now grasping the unlawfulness of its STR-permitting activity – rather than curbing or sunseting that activity – the Board is *actually* considering changing the zoning of the CR Zone *only to mask the County’s wrongful permitting activity, only to make STRs legal*. Retrofitting the CR Zone is an astoundingly irresponsible and backwards option. Two wrongs don’t make a right. Such a change WILL “result in over-intensive use of the land,” will NOT “give reasonable consideration to the character of the area,” and WILL “be detrimental to the health, safety and general welfare” of the residents of Cove Beach. Zone retrofitting is unjustifiable. (These are among the criteria that must be complied with when seeking a non-legislative zone designation change, as listed in LAWDUC *Article 2. Procedures for Land Use Applications*, <https://www.co.clatsop.or.us/media/13811>.)

We heard at the January 26 Work Session Commissioner Bangs express her impressive support for her own constituents but, together with Commissioner Wev, exhibit a lack of understanding and disregard for “the SW corner area of concern” outside their purview. These comments resulted in the staff’s creating Chapter 5.24 in Clatsop County Code which proposes to expand the Arch Cape Short-Term Rental Overlay to include the Coastal Residential Zone of Cove Beach. We strenuously oppose the lumping together of Cove Beach with Arch Cape’s STR operating standards. In addition to the notion that things are *not* fine for everyone in Arch Cape, as we heard a resident testify in Town Hall #3, anyone who has been paying attention this last year can easily observe that Arch Cape and Cove Beach are dramatically different from each other, especially with regard to waste water treatment, road conditions, and development. If you visit Cove Beach for yourself, you will understand why the standards that apply for the Arch Cape RCR – classified as Development – DO NOT apply to the CR-zoned community of Cove Beach – classified as Rural Lands. The two zone designations don’t even fall into the same Plan classification in Clatsop County’s Land and Water Development and Use Code (LAWDUC *Article 4. Zone Regulations*, <https://www.co.clatsop.or.us/media/34496>). We know that you are too intelligent to confuse physical proximity with similarities in conditions. We beseech the Board not to overlay Arch Cape’s STR ordinance on the CR Zone.

We acknowledge and understand two points that some STR business owners have made regarding this issue:

1. There are families who have owned their homes here in Cove Beach for decades and want to continue to be able to afford to keep them by augmenting their income through a rental business, and we have seen evidence that many of them conscientiously encourage their clients to be “good neighbors.”
2. Oregonians should be able to access the beauty and recreational opportunities of our state’s coastal areas. And tourism plays a large role in the fiscal health of the County.

What we oppose is the rampant growth that comes as a result of the perceived need to increase the fiscal benefit – both to the business owners and to the County – at the expense of precious resources, public health and safety, and a neighborly community. When investors start buying up properties because there are no curbs on the percentage of STRs in the delicate Rural Land area of Cove Beach, home prices are driven up so that families seeking to live in our neighborhood can no longer afford to buy here. And when the conscientious families sell off their Cove Beach homes because investors’ purchase offers are just too irresistible, what then? Cove Beach will have become a resort – which directly contradicts the County’s definition of a CR zone, which “is intended to encourage residential and **very limited** recreation development in the Southwest Coastal planning area ... of where the anticipated magnitude or density of development will not require more than a very basic level of services.” (LAWDUC *Article 4. Zone Regulations*, <https://www.co.clatsop.or.us/media/34496>)

We implore the Board NOT to adopt Ordinance 22-01 as is, which, as proposed, violates the County’s own codes and stated intention and purpose, as cited above. Instead, we urge the County to revise Ordinance 22-01 to reflect a prohibition of STRs in the CR Zone, effectively righting a wrong. Any ordinance that is ultimately adopted and covers the CR-zoned Cove Beach must include, at the very least, a CAP on the percentage of Cove Beach homes permitted as STRs. As the County has already

allowed 30% of Cove Beach homes to be permitted as STRs, the largest percentage of any jurisdiction or unincorporated area in the County, we welcomed Commissioner Wev's question in the January 26 Work Session, asking what percent of STRs is appropriate. At least after being told in the STR Town Halls that a cap was off the table, we were encouraged to hear that, if the Board does proceed with permitting STRs in the CR Zone, at least one commissioner may appreciate that 30% is ridiculously high for ANY residential neighborhood. If the percentage continues to explode, we residents will not have neighbors, and the character of our CR-zoned community will be irreparably degraded. Is this your idea of "[**enhancing**] **livability and safety** in the Arch Cape and Coastal Residential zone neighborhoods"?

Comments from some STR owners (who obviously have your ear) assert that this entire discussion is based on the concerns of a few residents trying to protect their "privileged lifestyle," but that is not the case as we have presented above. Commissioners: We ask you again: if we told you that *your* neighborhood was going to be opened up to *unlimited* growth of STRs, would *you* sit back and accept it?

Thank you,
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